

REMARKS

This is responsive to an Office Action dated October 1, 2007. The Office Action finally rejected claims 1-18 and 20-26. Applicant hereby cancels claims 1-18 and 20-26 and adds new claims 36-53. The application currently includes claims 36-53.

The Office Action finally rejected independent claims 1 and 22 as being anticipated by U.S. Patent No. 4,822,658 (hereinafter the Pacione patent). The Office Action references section 5 of the last Office Action to make the allegation that independent claims 1 and 22 are anticipated. The Office Action maintained the rejection of independent claims 1 and 22.

Applicant has canceled independent claims 1 and 22 and has added new independent claims 36 and 49. Applicant submits that claims 36 and 49 are patentable over the Pacione patent because the Pacione patent discloses a base layer 18 that is securely fixed to a carpet layer having loop filaments therethrough. Specifically, Col. 6, lines 23-27 show that a binding layer of latex joins the primary backing layer to the secondary backing layer to form a laminate structure where the primary backing layer has the loop filaments and the secondary backing layer has a layer of looped needled into it. The loops are releasably attached to the anchoring means by plastic hook portions as shown in Figure 2 of the Pacione patent. The structure of the Pacione patent requires that if the upper carpet layer (i.e., the loop filaments) become worn then the entire laminate structure would need to be replaced.

In contrast, the claimed invention claims that the base layer is fixed to the underlying surface and is releasably attached to the base layer. This structure is not disclosed in the Pacione patent because the filaments are clearly shown as being fixed to the primary backing layer. Therefore, the Pacione patent does not disclose a carpet that is releasably attached to a base layer as claimed. As such, independent claims 36 and 49 are in allowable form. Reconsideration and allowance of independent claims 36 and 49 are respectfully requested.

Because independent claims 36 and 49 are in allowable form, it follows that dependent claims 37-48 and 50-53 are also in allowable form. Reconsideration and allowance of dependent claims 37-48 and 50-53 are respectfully requested.

Applicant submits that the present application is in allowable form.
Reconsideration and allowance of the present application are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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